

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN MATTEO and
JOSEPH MATTEO, W/H

v.

BENNIGAN'S RESTAURANT, BENNIGAN'S,
STEAK AND ALE OF PENNSYLVANIA, INC.,
and METROMEDIA RESTAURANT SERVICES, INC.

: CIVIL ACTION
:
: NO: 02-CV-2706
:
:
: JURY TRIAL DEMANDED
:
:

ORDER

AND NOW, this day of 2002, upon consideration of the Motion of Defendant, Steak and Ale of Pennsylvania, Inc. to Compel Plaintiffs' Answers to the First Set of Interrogatories and First Request for Production of Documents and Things, it is hereby ORDERED and DECREED that Plaintiffs shall provide full and complete answers to the First Set Interrogatories of Defendant, Steak and Ale of Pennsylvania, Inc. Directed to Plaintiffs and Defendant's First Request for Production of Documents and Things Directed to Plaintiffs within twenty (20) days or suffer sanctions upon application to this Court.

BY THE COURT:

J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN MATTEO and	:	CIVIL ACTION
JOSEPH MATTEO, W/H	:	
	:	
	:	NO: 02-CV-2706
	:	
v.	:	
	:	
BENNIGAN'S RESTAURANT, BENNIGAN'S,	:	JURY TRIAL DEMANDED
STEAK AND ALE OF PENNSYLVANIA, INC.,	:	
and METROMEDIA RESTAURANT SERVICES, INC.	:	

**DEFENDANT, STEAK AND ALE OF PENNSYLVANIA, INC.'S
MOTION TO COMPEL PLAINTIFFS' ANSWERS TO THE
FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Federal Rule of Civil Procedure 37, Defendant, Steak and Ale of Pennsylvania Inc., by and through its counsel, Daller Greenberg & Dietrich, LLP, hereby moves this Honorable Court to compel Plaintiffs' answers to the First Set of Interrogatories of Defendant, Steak and Ale of Pennsylvania, Inc. Directed to Plaintiffs and Defendant's First Request for Production of Documents and Things Directed to Plaintiffs, and in support of this Motion states the following:

1. Plaintiffs' complaint alleges that plaintiff Shawn Matteo sustained personal injuries when she slipped and fell in the Bennigan's Grill & Tavern located at 720 Baltimore Pike, Springfield, Pennsylvania on June 15, 2001.
2. Counsel for all parties agreed to answer each other's written discovery in lieu of filing Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a). See Exhibit "A," a true and correct copy of the June 11, 2002 letter confirming this agreement of counsel.
3. On June 11, 2002, defendant forwarded the First Set of Interrogatories of Defendant, Steak and Ale of Pennsylvania, Inc. Directed to Plaintiffs and Defendant's First

Request for Production of Documents and Things Directed to Plaintiffs to the attention of their counsel. See Exhibit "A."

4. By the letter of July 16, 2002, defendant reminded plaintiffs' counsel that plaintiffs' responses to the discovery requests propounded by Steak and Ale of Pennsylvania, Inc. were due. See Exhibit "B," a true and correct copy of the July 16, 2002 letter.

5. On or about August 2, 2002, Defendant called plaintiffs' counsel and requested that plaintiffs provide their overdue answers or objections to defendant's discovery requests immediately. Plaintiffs' counsel represented that he could not provide such responses immediately. See Exhibit "C," a true and correct copy of the August 2, 2002 letter confirming the substance of the telephone conversation of counsel.

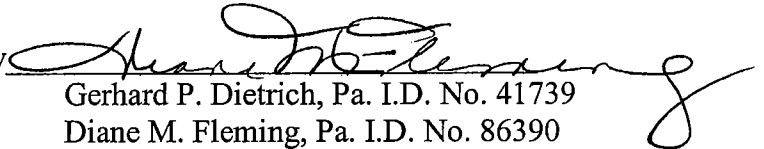
6. Pursuant to Federal Rules of Civil Procedure 33 and 34, written responses to such Interrogatories and Requests for Production of Documents and Things must be served within thirty (30) days after the service of the discovery.

7. More than thirty (30) days has elapsed since service of this discovery and to date Steak and Ale of Pennsylvania, Inc. has received no answers or objections to its discovery requests. Without these discovery responses, Steak and Ale of Pennsylvania, Inc. will be unduly prejudiced in the defense of this matter.

WHEREFORE, defendant, Steak and Ale of Pennsylvania, Inc. requests this Honorable Court to enter an Order in the form attached granting its Motion to Compel Plaintiffs' Discovery Responses within twenty (20) days.

Respectfully submitted,

DALLER GREENBERG & DIETRICH, LLP

By 
Gerhard P. Dietrich, Pa. I.D. No. 41739
Diane M. Fleming, Pa. I.D. No. 86390
Attorneys for Defendant,
Steak and Ale of Pennsylvania, Inc.

Date: August 5, 2002

CERTIFICATION

I, Gerhard P. Dietrich, counsel for defendant, Steak and Ale of Pennsylvania, Inc., hereby certify that I have attempted to resolve this matter, including sending the letters attached to the Motion and calling Counsel for the plaintiffs. I further certify that, after reasonable efforts, the parties are unable to resolve this dispute.

A handwritten signature in black ink, appearing to read 'G. P. Dietrich', written over a horizontal line.

Gerhard P. Dietrich

Dated: August 5, 2002